

Applicants hereby elect to prosecute Group I (Claims 1, 2, 4-8, and 10-13) with traverse.

Unity of invention exists when there is a special technical relationship among the claimed inventions involving one or more special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art. PCT Rule 13.2.

Here, the Group I and Group II claims share a special technical feature, namely, deriving a molecule from a cell from an area in an organism affected by a disorder that accompanies cell death. The selection of molecules from areas affected by the disorder yields a different set of molecules (proteins or nucleic acids) than would arise from selection of molecules from areas not affected by the disorder. This aspect of the special technical feature is described, for example, in the paragraph spanning pages 3-4. Because there is no art of record disclosing this special technical feature, it distinguishes each of the claimed inventions as a whole over the prior art.

This conclusion is not changed by the possible existence of other technical features that differ between the Group I and Group II claims. Thus, in the office action, the Examiner notes that the Group I claims are directed to nucleic acids and the Group II claims to polypeptides. However, the claims still share the special technical feature discussed above. The existence of single special technical feature common to the two Groups of claims is sufficient to confer unity of invention.

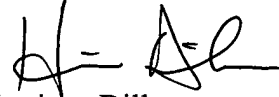
Applicants believe that no fee is required for submission of this statement. If, however, a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

IKUO NISHIMOTO
Application No.: 10/088,699
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PATENT

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'H. Dillon', written over a horizontal line.

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